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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,754	11/26/2003	Rama Iyer	727-01-PA-T-CONT	9668

7590 09/06/2005
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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,754

Applicant(s)

IYER ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,15-19 and 21-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-12, 14, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final Office Action is in response to the amendment filed June 3, 2005. Claims 1, 4-12, 14, and 20 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 4-12, 14, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts of:
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, invoice, use, or advance the technological arts fail to promote the

Art Unit: 3623

“progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts and produce a concrete and tangible result

Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. Claims 1 and 20 fail to produce a useful, concrete, and tangible result (i.e., the data are collected but nothing is being done with the data). In addition, claim 1 is deemed to be non-statutory for failure to apply, involve, use, or advance the technological arts. In order to overcome this rejection, it is respectfully suggested that the claims be amended to use the collected data to do something such as an analysis and to expressly incorporate technology (i.e., a computer processor) as performing at least one of the steps of the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ainsbury et al “Ainsbury” (U.S. Patent No. 6,078,924) in view of Conrad et al “Conrad” (US Patent No. 6,633,834).

Art Unit: 3623

As per claim 1, 5-12, Ainsbury discloses an information platform that collects data. In so doing, Ainsbury discloses receiving data from the plurality data sources in accordance with a collection schedule (col. 4, lines 49-62; and col. 16, lines 24-26), wherein plurality data collection collect data from a finance data source (col. 16, lines 44-51), manufacturing data source, inventory data source and/or legal system data source; wherein the financial data source provides financial indicators for making financial decisions (See abstract; and col. 16, lines 44-51), manufacturing data source provides manufacturing data points for manufacturing related information, inventory data source provides inventory status and legal data source provides data in a proprietary format, and data schedule is set by a collection scheduler (col. 16, lines 24-26), parsing the data collected from the plurality data sources, wherein a parsing module parses the collected data (col. 50, lines 32-62). While Ainsbury discloses the collection of financial data, Ainsbury does not expressly disclose collecting manufacturing data, inventory data and legacy data. However, incorporating these of data into the data collection platform of Ainsbury would have been obvious to a person of ordinary skill in the art in order to provide users with the capability to manage their businesses and having a gross sales revenue.

In addition, Ainsbury discloses all the limitations above but fails to expressly disclose evaluating threshold conditions based on data collection, evaluating alert conditions at time of data collection, wherein alert and threshold conditions are set to evaluate pre-defined conditions of incoming data or data that is displayed to a user, generating a message if a threshold is violated using information stored in a schema. Conrad in the same field of data collection, discloses the concept of evaluating threshold conditions of incoming data and generating a message if a threshold is violated. Note col. 9, line 9 through col. 7, line 60 of Conrad. It would

Art Unit: 3623

have been obvious to a person of ordinary skill in the art to modify the disclosures of Ainsbury to include the teachings of Conrad in order to improve the accuracy in the analysis of the data collected data.

Claim 4 recites the same limitations of method claim 1 above except for the step of a reporting module coupled a scheduling module, wherein the reporting module provides various reports based on the data collected from the plural data collectors; therefore claim 4 is rejected under the rationale relied upon of claim 1. In addition, Ainsbury teaches reporting module coupled a scheduling module, wherein the reporting module provides various reports based on the data collected from the plural data collectors. Note col. 16, line 65 through col. 17 line5; and col. 55, lines 45-47 of Ainsbury.

Claim 20 is a computer-executable process steps in computer readable memory for performing the steps of method claim 1 above; therefore claim 20 is rejected under the same rationale relied upon of claim 1.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 3623

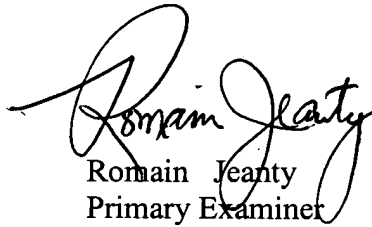
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 22, 2005


Romain Jeanty
Primary Examiner
Art Unit 3623